

Board of Supervisors
May 4, 2004
9:30 a.m.

The Board met in a Regular Meeting at the Santa Cruz County Complex, 2150 N. Congress Drive, Room #120, Nogales, AZ. Present: John Maynard, Chairman; Robert Damon, Vice-Chairman; Manuel Ruiz, Supervisor; Greg Lucero, County Manager; Holly Hawn and Mike Masee, Attorneys; Melinda Meek, Clerk of the Board. Also present: Mayra Ochoa, Mary Dahl, Carlos Rivera, Beth Daley, Sheriff Estrada, John DeStefano, Hattie Wilson, Lt. Raul Rodriguez, Leonard Fontes, Pam Patton, John Hays, Allan Troy, Louis Chaboya, Ron Morriss, Mike Foster, Guy Tobin, Ruben F. Fuentes, Felipe Fuentes, Jr., Rudy Molera, Liz Gutfahr, Marshall Magruder, Ruth Estrada, Caesar Ramirez, Victor Gabilondo.

The Meeting was called to order and the Pledge of Allegiance was recited, led by Caesar Ramirez.

ADOPTION OF AGENDA: Supervisor Ruiz made a motion to adopt the Agenda as posted; second by Vice-Chairman Damon; motion carried unanimously.

CALL TO THE PUBLIC: Marshall Magruder updated the Board regarding the TEP & Unisource Energy Service Outage Recovery Plan Staff Report.

The Board recessed the Regular Meeting to convene as the Flood Control District Board. (MR/RD; c.u.)

FLOOD CONTROL:

DIRECTOR'S/PROJECT REPORT: Submitted in writing.

MONTHLY REPORT FROM CITY OF NOGALES: None

MONTHLY REPORT FROM THE TOWN OF PATAGONIA: None

PUBLIC COMMENT: Supervisor Ruiz asked Leonard Fontes for the status of the Monte Carlo Project; Mr. Fontes responded that the project is on schedule.

The Board adjourned as the Flood Control District Board and reconvened the Regular Meeting. (MR/RD; c.u.)

REPORTS:

BOARD OF SUPERVISORS: Vice-Chairman Damon reported that he was out of the state last week.

Supervisor Ruiz expressed condolences to Vice-Chairman Damon for the recent loss of his uncle; reported that he represented the County on Friday at the Dia de los Niños event and congratulated the Way of the Heart, thanked the City of Nogales for the use of Teyechea Park, the Sheriff's Department, Nogales Police Department and various health agencies for their participation.

Chairman Maynard also offered condolences to Vice-Chairman Damon; reported that he attended a SCAMA Meeting, a Flood Control District Meeting in Tubac regarding the Balderrain Wash and a fundraiser at the Rio Rico High School.

Supervisor Ruiz also mentioned that he and the County Manager attended a Meeting with the Cities of Nogales, Arizona and Sonora regarding the proposed Century Lane, met with Martha Rascon, Fresh Produce Association, to discuss the proposed fast lane at the Mariposa Compound.

MANAGER: County Manager, Greg Lucero, reported that he and Supervisor Ruiz attended the Joint Meeting with the Cities of Nogales, Arizona and Sonora regarding the proposed Century Lane; he has been working on obtaining lighting for the Robert Damon Park.

FINANCE: Chief Accountant, Mayra Ochoa, reported \$6,006,936 in the General Fund; \$1,598,078 in the Road Fund; \$637,614 in the Flood Control District Fund; \$9,791,412 total for all funds; \$5,809,302 estimated end of month balance, compared to \$2,685,348 cash at May 2003, a difference of \$3,123,954.

SHERIFF: Sheriff Estrada reported that the current jail population is 68, 62 males and 6 females; 10 inmates have been sentenced to the County jail and 4 to the AZ Department of Corrections; 65 have been charged with felonies and 3 with misdemeanors; 24 (35%) are undocumented aliens; 2 have been committed to the County jail on a daily basis and 2 on a weekly basis. 49 persons were booked in last week; 214 total calls for service were received, of which 13 were 911 calls.

Sheriff Estrada also reported that the Sheriff's Office participated in the Dia de los Niños events at the City of Nogales and at San Cayetano School; the Sonoita Horse Races took place over the weekend and 3 individuals were arrested by the DUI Task-Force; the striping project on Exit 12 was completed this weekend; 3 cadets will be graduating this Friday from CARLOTA.

ACTION ITEMS:

Supervisor Ruiz made a motion to deviate from Agenda sequence as necessary; second by Vice-Chairman Damon; motion carried unanimously.

APPLICATION FOR SPECIAL EVENT LICENSE for the Huns of the Southwest Inc., for 5/29/04 – 5/31/04 was approved as submitted. (RD/MR; c.u.)

MINUTES of 4/15/04 and 4/20/04 were approved as submitted. (MR/RD; c.u.)

DEMANDS were approved in the total amount of \$532,825.26 of which \$204,634.34 is from the General Fund. (MR/RD; c.u.) Details of these expenditures are available for inspection during working hours and are to be considered part of these minutes. **General Fund:** \$204,634.34; **Bad Check Collection:** \$1,071.25; **School Forest Fees Fund:** \$1,754.07; **Early Learn-Learning Together:** \$3,234.89; **Community Technology CTR P:** \$71,074.35; **Commissary Fund:** \$6,850.00; **Law Library:** \$1,742.88; **Road:** \$38,514.67; **Animal Control:** \$1,774.97; **Anti-Racketeering #2:** \$14,027.34; **HIDTA 14:** \$3,390.12; **Jail Enhancement:** \$6,039.17; **Summer Youth Employment:** \$2,315.93; **Health Services Fund:** \$27,639.16; **Domestic Violence Education:** \$15,935.57; **Money Laundering Task Force:** \$4,736.47; **F.B.I. Seizure Grant:** \$1,883.65; **Gear-Up:** \$1,221.12; **T.B. Grant Fund:** \$15,927.83; **H.I.V. Program:** \$4,367.92; **Flood District:** \$1,385.19; **Cultural Youth at Risk:** \$14,577.83; **W.I.A. Youth Program:** \$5,605.23; **WTW Competitive Grant:** \$4,578.75; **W.I.A. Adult:** \$4,786.35; **W.I.A. Administration:** \$1,216.25; **Projects with Industries:** \$6,778.67; **Work Incentive Grant:** \$1,012.50; **DOL Faith-Based:** \$5,972.27; **Phase 1-Taxiway Access DES:** \$34,000.00; **Landfill:** \$11,239.89

To review these demands for this date, refer to Binder #13 which accompanies this book.

BONDS FOR DUPLICATE WARRANTS #3-128018 payable to Russell E. Woods in the amount of \$1,040.09 dated 4/23/04 and #2-178911 payable to Clara I. Felix, in the amount of \$60.00 dated 11/18/03 were approved as submitted. (RD/MR; c.u.)

The Board recessed the General Session to open the Public Hearing scheduled for 10:00 a.m. (MR/RD; c.u.)

10:00 a.m.

PUBLIC HEARING: FINAL PLAT FOR BELLA VISTA NORTH, LOTS 1-108, 122-124, 141-173 AND COMMON AREAS 'A' THROUGH 'K', A RESIDENTIAL SUBDIVISION (CASE #03-09): Community Development Department Director, Mary Dahl, informed the Board that the tentative plat for this development was approved by the Planning & Zoning Commission in July 2003; this is the first phase of a 234 lot subdivision in Rio Rico located north of Yavapai Drive, west of Exit 17 and consists of 144 lots on about 58 acres of land.

The Land Development Agreement and Third Party Trust Agreement provide for required improvements to Yavapai Drive. All improvement plans have been approved; the Final Plat has been reviewed by technical staff and the County Engineer and are all in order.

PUBLIC COMMENT: Beth Daley asked who owns the property – Rio Rico Properties or Avatar? Guy Tobin responded that they are one in the same, Avatar is a Public Corporation and Rio Rico Properties is a subsidiary. Ms. Daley asked who is in charge of this project, Rio

Rico Properties or Avatar? Mr. Tobin responded, Rio Rico Properties. Ms. Daley stated that she understands that over \$2 million are owed by Rio Rico Properties in back taxes.

Supervisor Ruiz made a motion to adjourn the Public Hearing and reconvene the Regular Meeting; second by Vice-Chairman Damon; motion carried unanimously.

ACTION ITEMS CONTINUED:

LAND DEVELOPMENT AGREEMENT AND ASSURANCE AGREEMENT FOR CONSTRUCTION OF SUBDIVISION IMPROVEMENTS FOR BELLA VISTA NORTH, LOTS 1-108, 122-124, 141-173 AND COMMON AREAS 'A' THROUGH 'K', A RESIDENTIAL SUBDIVISION (CASE #03-09): Community Development Department Director, Mary Dahl, informed the Board that the Agreements require improvements to both Yavapai Drive and the West Frontage Road that must be accomplished by the developer prior to the release of more than 100 lots.

Vice-Chairman Damon made a motion to approve; second by Supervisor Ruiz.

Under discussion, Beth Daley questioned why the payment of delinquent taxes is not a requirement in these Agreements; Mr. Tobin responded that the property taxes on the properties in question have been paid.

Pam Patton asked who is keeping tabs of the traffic impact on the Frontage Road? Ms. Dahl responded that a traffic study has been prepared which specifies improvements being required of Rio Rico Properties as part of this project.

Motion carried unanimously.

FINAL PLAT FOR BELLA VISTA NORTH, LOTS 1-108, 122-124, 141-173 AND COMMON AREAS 'A' THROUGH 'K', A RESIDENTIAL SUBDIVISION (CASE #03-09): Community Development Department Director, Mary Dahl, requested that the Board approve the Final Plat and allow it to be recorded; it is a 144-lot subdivision; the conditions set by the Commission have been met with this final plat submittal.

Vice-Chairman Damon made a motion to approve; second by Supervisor Ruiz.

Chairman Maynard asked how kids will be able to access Garrett's Shopping Center; Ms. Dahl responded that she has not had a chance to speak to the developer regarding this issue; she does not envision sidewalks along Yavapai at this time.

Marshall Magruder asked if the property taxes have been paid on this property; Guy Tobin stated that the County's rules state that the plat can't be recorded until all property taxes have been paid.

Mike Foster, Rio Rico Fire District, stated that public safety access to the area is an issue.

Motion carried unanimously.

RESOLUTION #2004-07 ABANDONING A PORTION OF YAVAPAI DRIVE IN RIO RICO UNIT 7: Community Development Department Director, Mary Dahl, stated that Resolution #2004-07 is to abandon the excess portion of Yavapai Drive. Yavapai Drive was platted in 1970 by Rio Rico as a 150 foot right-of-way with a flared intersection at the West Frontage Road; in the process of replatting this area, the developer proposed reducing the right-of-way to 80 feet.

The abandonment request has been processed in accordance with Title 28 of the Arizona Revised Statutes; an offer was received by Bella Vista at Rio Rico Development Corporation to provide a discounted sales price for property near the landfill that the Public Works Department was seeking to obtain for a road maintenance yard.

The Resolution would abandon the excess right-of-way and ensure clear title of the property in the final plat.

Public Works Director, Victor Gabilondo, stated that he believes the offer is fair and equitable.

Supervisor Ruiz made a motion to approve Resolution #2004-07 abandoning a portion of Yavapai Drive and authorizing the recordation of the Resolution and Quit Claim Deed; second by Vice-Chairman Damon; motion carried unanimously.

REQUEST AUTHORIZATION TO PURCHASE PARCEL OF LAND TO BE USED AS A PUBLIC WORKS MAINTENANCE YARD IN RIO RICO: Public Works Director, Victor Gabilondo, informed the Board that the Public Works Department has been seeking to obtain a 4 acre parcel adjacent to the Rio Rico Landfill to be used for a new road yard. The parcel was valued at \$22,000 per acre. During a replatting of Bella Vista North Subdivision, Rio Rico Development Corporation requested that an unbuilt portion of Yavapai Drive be abandoned; the abandonment process was followed as provided in Title 28; Rio Rico Development Corp., offered a 50% reduction in the per acre price for the acreage for \$11,000.

Mr. Gabilondo stated that the purchase has been budgeted and requested authorization from the Board to proceed with the purchase.

Vice-Chairman Damon made a motion to approve; second by Supervisor Ruiz; motion carried unanimously.

DELINQUENT PROPERTY TAXES: County Manager, Greg Lucero, informed the Board that he asked the County Assessor, Treasurer and Deputy County Attorney, Mike Massee to provide the Board and the public with an explanation of the delinquent property tax process at the County level.

County Assessor, Felipe Fuentes, Jr., stated that the County Assessor's Office has nothing to do with taxes; the purpose of the Assessor's Office is to identify, locate and value property (vacant land, residential, commercial and personal property), not to tax property; property taxes are voluntary not mandatory; there is no law that can force you to pay your property taxes.

Mr. Fuentes briefly explained the process for appealing valuations and exemptions for widows/disabled.

County Treasurer, Caesar Ramirez, stated that the Treasurer's Office is in charge of collecting taxes and explained that properties which are delinquent 2 years or more are sold @ 16% interest; if the property is not sold for the delinquent taxes, they are assigned to the State of Arizona until someone pays the delinquent taxes and become the owner of the property; if the property is still not sold after being assigned to the State for 5 years, the Treasurer can begin foreclosure proceedings in the name of the State for the County. Once the Administrative Foreclosure occurs, the Board of Supervisors can conduct a sale of the property in order to get it back on the taxrolls.

Mr. Ramirez stated that he is not receiving assistance for the collection of taxes; it is the Treasurer's responsibility to provide to the Sheriff a list of 2-year personal property delinquencies with a warrant and the Sheriff is to collect the taxes, repossess or sell the property. It is the Treasurer's responsibility to collect real property taxes, which include vacant land or improvements on the land.

Mr. Ramirez explained that he had previously begun foreclosure proceedings on certain land; however, in order to assist in balancing the County's budget 2 years ago, he gave up a full-time position and does not currently have sufficient staff to proceed.

Chairman Maynard asked of the total delinquency amount, how much is personal property and how much is land and homes; Mr. Ramirez explained that \$4 million plus is real property and approximately \$200,000 - \$250,000 is personal property.

Supervisor Ruiz asked how effective the person was that he gave up in collecting delinquent taxes; Mr. Ramirez responded that his staff does not physically go out and knock on doors to collect taxes, but the office workload that was previously distributed between 7 people is now being done by 6 people with more parcels and activity.

Mr. Ramirez provided the Board with a copy of a Warranty Deed from Rio Rico Properties conveying 2,842 lots to Vatore, LLC in December 1999 with the restriction that no improvements would be made on the lots; since 1999, no property taxes have been paid; the current total delinquency on these lots is \$2.2 million.

Attorney Mike Masee explained that real property tax liens are a lien on the real property only and not a personal debt; personal property liens are a lien on the personal property and a personal debt for the owner.

Beth Daley asked if Mr. Masee has reviewed the delinquent taxrolls? Mr. Masee responded no; Ms. Daley stated that Chairman Maynard had said that Vatore is a non-profit organization and is therefore, tax exempt; Chairman Maynard denied having made that statement.

Mr. Fuentes stated that according to the records in the Assessor's Office, Vatore, LLC is being taxed and valued and has not filed for an exemption; approximately 80% of the properties included in the delinquent taxrolls are either part of the Buena Vista Subdivision that don't have water rights and the lots are too small for a septic tank or are Rio Rico lots and the liability is too high or they won't perc.

Chairman Maynard stated that some recommendation is warranted from the Assessor, Treasurer and County Attorney's Office on how to proceed with this issue and suggested a Study Session in approximately 30 days.

AMENDMENT TO IGA FOR RURAL DOMESTIC VIOLENCE: Deputy County Manager, Carlos Rivera, explained that the Governor's Community Policy Office, Division for Prevention of Family Violence has requested an extension of the contract period for the existing IGA for Rural Domestic Violence; the Contract period would now expire 5/31/04.

Supervisor Ruiz made a motion to approve; second by Vice-Chairman Damon; motion carried unanimously.

FIRST AMENDMENT OF THE HOUSEHOLD HAZARDOUS WASTE IGA: Public Works Director, Victor Gabilondo, informed the Board that Santa Cruz County has had an IGA with Pima County since 1995 for the joint efforts of collection and disposal of household hazardous waste; in the past, there has been no increase in the cost for their services.

This year, Pima County is requesting an amendment that would require all drivers to have a Commercial Drivers License and an approximate 26.5% increase in costs; the percentage increase is still less expensive if the Department were to contract a private company to perform these tasks.

Mr. Gabilondo recommended that the Board accept and enter into the Amendment to the IGA.

Supervisor Ruiz made a motion to approve; second by Vice-Chairman Damon; motion carried unanimously.

IGA WITH RIO RICO FIRE DISTRICT TO PROVIDE SHERIFF'S DEPARTMENT OFFICE SPACE: Sheriff Estrada stated that the Rio Rico Fire Department has built a new fire station and the Fire District has agreed to provide office space to the Sheriff's Office to use as a sub-station.

Avatar previously provided the Sheriff's Office with space in the VIT Building and the Library and Sheriff Estrada expressed appreciation to them.

Sheriff Estrada requested that the Board approve the IGA.

Chairman Maynard expressed appreciation to Mike Foster for the offer.

Attorney Hawn informed the Board that the IGA is for a period of 5 years for \$386 per month and that it also makes available use of the Fire Station Training Center as an alternate EOC during a declared emergency.

Supervisor Ruiz made a motion to enter into the IGA with the Rio Rico Fire Department for a 5-year period with the Sheriff's Department and the Rio Rico Fire District for use of space as their sub-station in the amount of \$386 per month; second by Vice-Chairman Damon; motion carried unanimously.

RESOLUTION #2004-08 SUBMITTAL OF PROJECTS FOR FUNDING FROM THE NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION AND THE FEDERAL HIGHWAY ADMINISTRATION: Sheriff Estrada stated that the Sheriff's Office

has the opportunity to obtain financial resources to continue the DUI Task Force; this Resolution will authorize the Sheriff's Office to apply for funding.

Vice-Chairman Damon made a motion to approve Resolution #2004-08; second by Supervisor Ruiz; motion carried unanimously.

ONDCP HIDTA IGA, GRANT 14PSAP549, HIDTA XIV ACCEPTANCE: Lt. Raul Rodriguez, Santa Cruz County Metro Task Force, requested that the Board accept the ONDCP HIDTA XIV (14PSAP549) IGA. Lt. Rodriguez explained that the Santa Cruz County Sheriff's Office is the managing agency for the Santa Cruz County Metro Task Force; the Metro Task Force has a total of 8 local, state and federal agencies participating in this collective response against drug abuse and drug trafficking; this grant and the AZ Criminal Justice Grant/Byrne Grant provide for salaries, fringe, overtime, services, facilities and equipment purchases.

This grant will continue to fund 5 positions from the Santa Cruz County Sheriff's Office; the positions include 1 lieutenant, 1 sergeant, 2 agents and an evidence clerk; the grant also covers 25% of the fringe benefits for these positions and is a reimbursable grant, which does not require a contribution from any other budget.

Lt. Rodriguez requested that the Board accept the IGA total grant award in the amount of \$380,968 for Fiscal Year 2004-2005.

Supervisor Ruiz made a motion to accept in the amount as presented by Lt. Rodriguez; second by Vice-Chairman Damon; motion carried unanimously.

IGA WITH AZ DEPARTMENT OF ECONOMIC SECURITY FOR WORKFORCE INVESTMENT ACT PROGRAMS: Deputy County Manager, Carlos Rivera, informed the Board that this IGA provides the County with funds to continue Workforce Investment Act activities.

Vice-Chairman Damon made a motion to approve; second by Supervisor Ruiz; motion carried unanimously.

Meeting adjourned at 11:40 a.m.

Melinda Meek
Clerk of the Board

John Maynard
John Maynard, Chairman

Board of Supervisors
May 11, 2004
9:30 a.m.

The Board met in a Regular Meeting at the Santa Cruz County Complex, 2150 N. Congress Drive, Room #120, Nogales, Arizona. Present: John Maynard, Chairman; Robert Damon, Vice-Chairman; Manuel Ruiz, Supervisor; Greg Lucero, County Manager; Holly Hawn, Attorney; Gloria S. Gonzalez, Deputy Clerk. Also present: Jennifer St. John, Sheriff Estrada, Victor Gabilondo, Larry Leslie, John DeStefano, Leonard Fontes, Mr. & Mrs. Francisco H. Muñoz, Augustin M. Huerta, Lt. Manuel A. Cota, Ramon Romo, Ruben F. Fuentes, Jan Madeya, Karla Arellano, Daniel Angulo, Michael Burton, Charles Flynt, Ron Morriss, Caesar Ramirez, Marshall MaGruder, Esther Newcomer, Mike Foster, Raul Rodriguez, Sarah Bailey and Louis Chaboya.

The Meeting was called to order and the Pledge of Allegiance was recited, led by Sarah Bailey.

ADOPTION OF AGENDA: Supervisor Ruiz made a motion to adopt the Agenda as posted; second by Vice-Chairman Ruiz; motion carried unanimously.

CALL TO THE PUBLIC: Sarah Bailey spoke against the upcoming election for the Provisional Community College, stating that it is a totally, unneeded level of government that will not accomplish anything for the students of Santa Cruz County. Ms. Bailey gave a brief presentation citing statues, property tax rates and stated that the College Board would submit their budget every year for the Provisional College and the Supervisors would have no veto authority over the College District budget, therefore, taxes would be increased every year; the 20¢ rate being presented in the election ballot question is probably not legal, it is intended to deceive the voters and convince the taxpayer that it would not cost them anything, that is not true, the property owners of Santa Cruz County would have an additional amount added to their current tax bill every year, as long as the College exists.

Marshall Mcgruder, Energy Commissioner, presented and reviewed with the Board an updated report on the 46 kV line.

Larry Leslie, spoke in opposition to the Provisional Community College in Santa Cruz County. He has a Doctorate in the field of Higher Education from the University of California at Berkley, he has been the Justice Department Chief Expert on Higher Education Finance in Federal Court Cases for more than 25 years; he has written over 150 books and articles on Community College Finance, including a book in Community College Financing, he has worked with the Arizona Community Colleges Association, he has done master plans, consumer needs surveys and court surveys for several States. He reiterated what Ms. Bailey stated, adding legal information in establishing a community college, emphasizing educational reasons on these proposals, although the financial implications are extreme as well.

The Board moved to deviate from Agenda sequence as necessary. (RD/MR;c.u.)

ACTION ITEMS:

REQUEST APPROVAL OF PROCLAMATION DESIGNATING THE WEEK OF MAY 9TH, 2004 TO BE DEDICATED AS NATIONAL POLICE WEEK AND MAY 15TH, 2004 TO BE DEDICATED AS POLICE MEMORIAL DAY:

Sheriff Estrada thanked the Board on behalf of all the Agencies present; stated that May 9th to May 15th is a very special week for law enforcement and our community, recognizing the effort, the commitment and the ultimate sacrifices that are made by law enforcement personnel throughout the United States.

The Board recognized and congratulated all the Officers present from various law enforcement agencies.

Lt. Manuel Cota thanked the Board and stated that currently a law enforcement officer is killed every 53 hours, making it the deadliest profession in the Country; there are 850,000 men and women in law enforcement that put their lives on the line every day and because of advances in technology and training the number of deaths is lower today than in the past. It is a priority to promote the safety of our law enforcement officers and to honor the officers that made the ultimate sacrifice in the line of duty. Lt. Cota stated that in 1962 President John F. Kennedy signed a Proclamation designating May 15th as Peace Officers Memorial Day and the week in which that date falls as National Police Week; the first Official Memorial Service took place on May 15, 1982; 16,000 fallen law enforcement officers appear in the National Law Enforcement Memorial Wall located in Washington, D. C.; 145 officers lost their lives in 2003 nationwide; in Santa Cruz County

we honor and recognize those local, State and Federal Officers with appropriate ceremonies and activities.

Chaplin for the Local Lodge Fraternal Order of Police, Esther Muñoz, read the names of Law Enforcement Officers that paid the ultimate sacrifice in pursuit of a peaceful and safe environment; she stated that it is imperative that we support this memorial and demonstrate to their families and friends, that their loss was not in vein and express our support to the Officers that continue to serve in Arizona and in our Nation.

Chairman Maynard read the Proclamation.

Motion by Supervisor Ruiz to adopt the Proclamation and that the Proclamation appear in the Nogales International; second by Vice-Chairman Damon; motion carried unanimously.

REPORTS:

BOARD OF SUPERVISORS: Supervisor Ruiz reported that he met with representatives of a new company that will be relocating in our community.

Chairman Maynard stated that he attended the National Day of Prayer for National, State and Local Elected Officials in Patagonia; he attended an Advisory Meeting in Tubac to discuss the formation of the Heritage Area.

MANAGER: Greg Lucero reported that he attended the CSA Legislative Policy Committee Meeting in Phoenix last week; he will attend the Nogales Alliance Meeting next Thursday to discuss the railroad traffic impact; he will attend the County Managers Meeting in Phoenix next Friday.

FINANCE: Finance Director, Jennifer St. John, reported \$7,139,943 in the General Fund; \$1,586,448 in the Road Fund; \$689,121 in the Flood Control District Fund; \$10,966,618 totals for all funds; \$6,671,943 estimated end of the month balance, compared to \$3,839,002 cash at May 2003, a difference of \$2,832,941.

SHERIFF: Sheriff Estrada reported that the current jail population is 64, 60 males and 4 females; 11 inmates have been sentenced to the County jail; 1 to the Arizona Dept. of Corrections; 61 have been charged with felonies and 3 with misdemeanors; 18 (20%) are undocumented aliens; 2 have been committed to the County jail on a daily basis and 5 on a weekly basis.

49 persons were booked in during the past week; 181 total calls for service were received of which 9 were 911 calls.

Sheriff Estrada stated that Dare graduations have been observed throughout the school districts with over 300 students graduating from Santa Cruz County; introduced three new academy graduates: Deputies Karla Arellano, Daniel Angulo and Charles Flynt.

Sheriff Estrada thanked the Board for making it possible to recruit and hopefully retain our officers.

Chairman Maynard congratulated the Deputies on behalf of the Board and are looking forward to the great service that they will provide to this community.

ACTION ITEMS CONTINUED:

REQUEST APPROVAL OF RESOLUTION #2004-09 DESIGNATING MAY 2004 AS OLDER AMERICANS MONTH: Supervisor Ruiz made a motion to approve Resolution #2004-09 Designating May 2004 as Older Americans Month; second by Vice-Chairman Damon; motion carried unanimously.

AUTHORIZE STAFF TO BEGIN THE FORMAL PROCESS OF STUDYING THE POSSIBLE CONSOLIDATION OF VARIOUS SERVICES BETWEEN THE COUNTY AND THE CITY OF NOGALES: County Manager, Greg Lucero, stated that County staff have been meeting informally with City staff and Elected Officials to discuss possible cost saving measures or increase in services for the citizens of the County and City. The Mayor announced an initiative to review possible consolidated services and will officially take action at the Council Meeting tomorrow in order to complement the City's effort to review possible ways to consolidate departments or services and reduce costs.

Vice-Chairman Damon made a motion to approve; second by Supervisor Ruiz,

Under discussion, Supervisor Ruiz stated that the community would benefit tremendously in partnering with the City; the City provides library services to the County's residents in unincorporated areas in Tubac, Elgin and Sonoita; the County has provided services through the Animal Control Department for several years; the County took over flood control. Supervisor Ruiz stated that overall, the County and the City are looking into cost savings to provide better services to all the residents of our community; he requested to establish an oversight committee consisting of both, City and County Managers, one member of each elected body and a couple of interested residents, to resolve issues that may arise before they are presented to both Boards for any action; he commended the City's Mayor and Council for contacting the County who in turn will reciprocate.

Chairman Maynard stated that it is important that the Department Head of the services that are being discussed be present and involved because the Board would be sending the wrong message to County employees if they do not participate in the discussions, conversations and negotiations; he suggested to have ongoing Study Sessions as the County moves through this process; he stressed the need to focus on what the Board can do better for the citizens that pay our salaries and to support our County staff to make their jobs easier and more productive at the end.

Motion carried unanimously.

REQUEST APPROVAL TO INTERVENE IN ARIZONA MINORITY COALITION FOR FAIR REDISTRICTING ET AL V. ARIZONA INDEPENDENT REDISTRICTING COMMISSION ET AL. CIV 04 0797 PHX MHM (UNITED STATES DISTRICT COURT, DISTRICT OF ARIZONA): County Attorney, Martha Chase, stated that there have been a couple of previous lawsuits involving the redistricting that did not include Santa Cruz County. The Court can devise a plan that would include Santa Cruz County, allowing the County to intervene in the plan.

Motion by Supervisor Ruiz to approve to intervene in the Arizona Minority Coalition for Fair Redistricting as read by the Chairman; second by Vice-Chairman Damon.

Under discussion, Chairman Maynard asked Attorney Chase the length of time and expense and how she anticipates that the County would intervene; Attorney Chase replied that no one knows the time frame or dollar figure. Chairman Maynard asked if County staff would be involved or would it be outside Counsel; Attorney Chase replied that it would be outside Counsel because of the time involved.

Supervisor Ruiz stated that the Board would approve to intervene and to monitor the process.

County Manager Lucero, reiterated what Supervisor Ruiz stated and added that it is a precautionary measure to file to be able to intervene.

Motion carried unanimously.

APPOINTMENT TO THE SANTA CRUZ COUNTY/NOGALES LIBRARY BOARD: Vice-Chairman made a motion to appoint Ann Wagner; second by Supervisor Ruiz; motion carried unanimously.

REQUEST APPROVAL TO AUCTION OBSOLETE VEHICLES AND FURNITURE: Finance Director, Jennifer St. John, requested that the Board approve the auction set up by the County Attorney's Office for this coming Saturday.

Supervisor Ruiz made a motion to approve; second by Vice-Chairman Damon; motion carried unanimously.

BOND FOR DUPLICATE WARRANT #3-126681, payable to Rocky I. Tello, dated March 29, 2004 in the amount of \$579.62 was approved as submitted. (RD/MR;c.u.)

EXECUTION OF JOINT PARTNERSHIP AGREEMENT BETWEEN THE ARIZONA DEPARTMENT OF TRANSPORTATION, KINO SPRINGS RANCH LLC AND SANTA CRUZ COUNTY; ASSIGNMENT OF RIGHTS TO KINO SPRINGS RANCH LLC: Public Works Director, Victor Gabilondo, stated that Kino Springs Ranch LLC, the Arizona Department of Transportation and Santa Cruz County have been in negotiations for a year for the construction of an all weather crossing across Proto Wash. Project construction will be administered by ADOT as part of the SR82 construction and bridge replacement; Kino Springs Ranch LLC will fund the project and Santa Cruz County will maintain the crossing as part of the Kino Springs Road; the project is at 100% design; ADOT is scheduled to go out to bid in May and the highway will be under construction for the next 18 months, beginning in October 2004.

Mr. Gabilondo stated that the Assignment of Rights from Santa Cruz County would allow Kino Springs Ranch LLC to seek damages from Lucadia, the previous owner, who was responsible for the construction of the all weather crossing.

Mr. Gabilondo requested that the Board approve only the proposed Joint Partnership Agreement as the Assignment of Rights is still under Attorney's review.

Attorney Michael Masee reiterated what Mr. Gabilondo stated and requested that the Board table execution of the Assignment of Rights to Kino Springs Ranch LLC. Attorney Masee stated that the County has negotiated language with ADOT that would be more favorable to the County.

Chairman Maynard asked Attorney Masee if what is being requested from the Board is to take action only on the execution of the Joint Partnership Agreement; Attorney Masee replied yes.

Chairman Maynard stated that the Assignment of Rights to Kino Springs Ranch LLC will be presented for approval at a future Board Meeting.

Chairman Maynard stated that this project would definitely improve the ingress and egress of an area that has been very difficult.

Supervisor Ruiz requested that in the future staff separate agenda items in order to vote on one item and if requested, table the second item.

Supervisor Ruiz made a motion to execute the Joint Partnership Agreement between the Arizona Department of Transportation, Kino Springs Ranch LLC and Santa Cruz County and to table the Assignment of Rights for a future meeting for action by the Board; second by Vice-Chairman Damon; motion carried unanimously.

Meeting adjourned at 10:30 a.m. (MR/RD;c.u.)

Melinda Meek

Clerk of the Board

John Maynard

John Maynard, Chairman

Board of Supervisors

May 18, 2004

9:30 a.m.

The Board met in a Regular Meeting at the Santa Cruz County Complex, 2150 N. Congress Drive, Room #120, Nogales, AZ. Present: John Maynard, Chairman; Robert Damon, Vice-Chairman; Manuel Ruiz, Supervisor; Greg Lucero, County Manager; Holly Hawn, Attorney; Gloria S. Gonzalez, Deputy Clerk. Also present: Jennifer St. John, Mary Dahl, Carlos Rivera, Dan Bell, Jim Barr, Susan C. Morales, Paul Hathaway, Ron Morriss, Rosa Elvira Padilla, Arturo R. Garino, Louis Chaboya, Sheriff Estrada, Liz Gutfahr, Ben Stepleton and Patricia Bruce.

The Meeting was called to order and the Pledge of Allegiance was recited, lead by Susan C. Morales.

ADOPTION OF AGENDA: Supervisor Ruiz made a motion to adopt the Agenda as posted and deviate from Agenda sequence as necessary; second by Vice-Chairman Damon; motion carried unanimously.

CALL TO THE PUBLIC: No response

REPORTS:

BOARD OF SUPERVISORS: Supervisor Ruiz reported that he attended a meeting of the Friends of the Courthouse, who are planning to have the Centennial Celebration on October 23rd; he and County Manager Lucero, attended the Nogales Alliance Meeting at City Hall to discuss the expansion of the Ford Motor Company.

Chairman Maynard reported that he attended a Youth and Family Services Meeting in Patagonia last week; he met with Representatives of the Arizona Game and Fish Department; he attended the Santa Cruz Valley Citizens Council Meeting yesterday; he attended the Arizona Department of Transportation Meeting in Sonoita last night and the problems with the intersection of Highway 82 and 83 were discussed; he attended the Friends of the Courthouse Meeting and stated that the County would be celebrating the Centennial of the 1904 Courthouse in October.

MANAGER: County Manager, Greg Lucero, reported that he met with officials of the DiamondBacks Organization last week and discussed lighting, score board and fencing for the ball field in Damon's Park; he attended the Arizona Food Bank Conference; he attended a meeting at the Legislature; he will attend the Small Counties Meeting tomorrow night in Phoenix which Legislators and Representatives will be

attending; he will be attending the County Supervisors Association of Arizona Meeting the next day.

FINANCE: Finance Director, Jennifer St. John, reported \$7,462,578 in the General Fund; \$1,541,192 in the Road Fund; \$794,515 in the Flood Control District Fund; \$11,243,905 totals for all funds; \$7,186,385 estimated end of the month balance, compared to \$3,839,002 cash at May 2003, a difference of \$3,347,383.

SHERIFF: Sheriff Estrada reported that the current jail population is 61, 57 males and 4 females; 13 inmates have been sentenced to the County jail and 1 to the Arizona Department of Corrections; 56 have been charged with felonies and 5 with misdemeanors; 16 (24%) are undocumented aliens; 4 have been committed to the County jail on a daily basis and 5 on a weekly basis.

51 persons were booked in during the past week.

Sheriff Estrada also reported that one individual in the Parker Canyon area sexually assaulted a 26-year-old female illegal border crosser; 4 persons were booked for DUI or drug offenses; 14 on drug offenses and 16 for failure to appear contempt of court during the past week.

Sheriff Estrada reported that the Rio Rico High School graduation will be this coming Friday, extra patrol cars will be on site; Dare graduation for the Bracker's Elementary School will be this coming Thursday; Lt. Jerry Castillo is attending the Weed and Seed Program Conference in Buffalo, New York; Sheriff Estrada and staff attended the PISA (Policia Internacional de Sonora-Arizona) Conference in San Carlos with over 400 participants.

ACTION ITEMS:

PRESENTATION OF BATTERED IMMIGRANT WOMEN GRANT:

Patricia Bruce, Coordinator of Battered Immigrant Women Project in Santa Cruz County, stated that this organization has been working in Santa Cruz County since 2002 and their mission is to improve the access to culturally appropriate services for battered immigrant women, therefore, ensuring their rights under the Violence Against Women Act. Ms. Bruce made a brief presentation to the Board of the services that are available to the public by contacting Southeastern Arizona Behavioral Health Services.

The Board thanked Ms. Bruce for her presentation.

MONTHLY REPORTS were approved as presented. (RD/MR;c.u.)

BOND FOR DUPLICATE WARRANT #2-180274, payable to the American Red Cross, dated January 6, 2004, in the amount of \$3,801.35 was approved as submitted. (RD/MR;c.u.)

DEMANDS were approved as submitted in the amount of \$863,244.86 of which \$190,050.83 are from the General Fund. (MR/RD;c.u.) Details for these expenditures are available for inspection during working hours and are to be considered part of these minutes. **General Fund:** \$190,050.83; **Clerk Superior Court Retrieval:** \$2,661.12; **Bad Check Collection:** \$2,781.94; **Citizen Corps/Cert Grant:** \$1,627.60; **Exercises:** \$46,232.92; **Community Technology CRT Program:** \$22,806.91; **Road:** \$64,189.43; **Waste Tire Grant (ADEQ):** \$3,708.32; **Atty's Victims Comp. Fund:** \$10,122.05; **HIDTA 14:** \$5,011.53; **Jail Enhancement:** \$4,390.54; **Summer Youth Employment:** \$1,025.00; **Gear Up:** \$7,276.14; **Flood District:** \$13,302.46; **Flood Reserve:** \$31,560.00; **Cultural Youth at Risk:** \$5,488.54; **W.I.A. Youth Program:** \$2,946.03; **WTW Competitive Grant:** \$2,006.81; **W.I.A. Adult:** \$4,200.21; **W.I.A. Dislocated**

Worker: \$2,118.34; **W.I.A. Administration:** \$4,672.65; **Projects with Industries:** \$8,428.33; **DOL Faith-Based:** \$35,556.25; **De Anza Pedestrian Pathway:** \$1,286.25; **FY 2002 RA CDBG Project:** \$180,626.46; **Robert Damon Park:** \$180,626.46; **Landfill:** \$16,425.60; **Landfill Reserve:** \$7,342.97

To review these demands for this date, refer to Binder #13 which accompanies this book.

REQUEST APPROVAL OF ARIZONA DEPARTMENT OF HEALTH SERVICES/SANTA CRUZ COUNTY INTERGOVERNMENTAL AGREEMENT HG461035 AMENDMENT #1, COUNTY PRENATAL BLOCK GRANT: Deputy County Manager, Carlos Rivera, stated that this is an amendment to the existing contract to extend for another year.

Supervisor Ruiz made a motion to approve; second by Vice-Chairman Damon; motion carried unanimously.

REQUEST APPROVAL OF SUBCONTRACT BETWEEN SANTA CRUZ COUNTY AND THE MARIPOSA COMMUNITY HEALTH CENTER FOR PRENATAL BLOCK GRANT SERVICES: Deputy County Manager, Carlos Rivera, requested that the Board approve the subcontract with Mariposa Community Health Center to provide Prenatal Program Services in Santa Cruz County.

Vice-Chairman Damon made a motion to approve; second by Supervisor Ruiz; motion carried unanimously.

The Board recessed the Regular Meeting to convene in a Public Hearing scheduled for 10:00 a.m. (MR/RD;c.u.)

PUBLIC HEARING

REQUEST TO REZONE APPROXIMATELY 2.21 ACRES FROM B-2 (GENERAL BUSINESS) TO MF (MULTI-FAMILY) LOT 53, BLOCK 16, RIO RICO UNIT 3 – PARCEL NO. 114-03-053, RIO RICO, ARIZONA (CASE NO. REZO4-08): Department of Community Development Director, Mary Dahl, stated that this Public Hearing is to address concerns from the public on a proposed rezoning in Rio Rico on the east side of the river, at the intersection of Gandara and Coatimundi Avenue, across from the Community Center and near the Fitness Center. Ms. Dahl stated that the request to rezone 2.21 acres from General Business to Multi-Family is to provide Rio Rico Properties, Inc. with the opportunity to subdivide the parcel consistent with the Multi-Family development standards; she reviewed with the Board the concerns presented at the March 25, 2004 Commission Public Hearing and stated that after the Hearing the Commission moved to recommend approval of the rezoning, subject to the conditions stipulated and including that only single story residences would be permitted.

PUBLIC COMMENT: None

The Public Hearing adjourned and the General Session reconvened at 10:05 a.m. (MR/RD;c.u.)

ACTION ITEMS CONTINUED:

DISCUSSION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. 2004-03 REZONING APPROXIMATELY 2.21 ACRES FROM B-2 (GENERAL BUSINESS) TO MF (MULTI-FAMILY) LOT 53 BLOCK 16, RIO RICO UNIT 3 – PARCEL NO. 114-03-053, RIO RICO, ARIZONA (CASE NO.

REZ04-08): Department of Community Development Director, Mary Dahl, stated that Ordinance No. 2004-03 would have the effect of rezoning the 2.21 acres piece of property from the general business to the multi-family zoning district, subject to the conditions, including the single story residences, which are stipulated in the Ordinance.

Vice-Chairman Damon made a motion to approve Ordinance No. 2004-03; second by Supervisor Ruiz.

Under discussion, Chairman Maynard stated that property taxes on this parcel have been paid and the Rio Rico Utilities will provide the water and utility services.

Ms. Dahl stated that UniSource will provide the power.

Motion carried unanimously.

REVIEW AND POSSIBLE ACTION FOR CONSIDERATION OF ECONOMIC DEVELOPMENT FOUNDATION PROPOSAL: President of EDF, Jim Barr, requested the Board's support to continue to operate.

Vice-Chairman Damon asked Mr. Barr if the request is for \$150,000; Mr. Barr replied yes and would be used to cover two staff positions, offices, and related costs.

County Manager, Greg Lucero, stated that the County is in the middle of the budget process and that several requests from non-profits organizations will be incorporated into the budget process and that a decision would be made at that point in time.

Chairman Maynard asked Mr. Lucero for the time frame of their decision; Mr. Lucero replied, about the middle of June.

Supervisor Ruiz stated that the Board could not take any action until the new budget is adopted.

Mr. Lucero reiterated what Supervisor Ruiz stated, that specific funding is not being included in the budget.

Chairman Maynard stated that different organizations have requested funding, which would also be taken under consideration. He stated that EDF is an important part of building a healthy community.

Mr. Barr stated that EDF is looking into a long-term solution with the County or EDF will be forced to close their office.

Paul Hathaway stated that at the present time, EDF is going month to month and is in dire need of immediate funding.

Supervisor Ruiz stated that he realizes the value that EDF brings to our community, but the Board has to follow the budget process.

Economic Development Foundation Director, Susan Morales, stated that the purpose of EDF is not to be supported or funded by the County but to enter into a professional service agreement.

Motion by Supervisor Ruiz to consider EDF during the County's budget process; second by Vice-Chairman Damon; motion carried unanimously.

REQUEST APPROVAL TO ACCEPT AFFILIATION AGREEMENT WITH THE UNIVERSITY OF ARIZONA COLLEGE OF PUBLIC HEALTH:

Emergency Management Director, Louis Chaboya, stated that this agreement is for internship with the University of Arizona. A student from the Masters Program in Public Health will be doing her internship in Santa Cruz County on emergency operation planning in the Health Department and other Health Agencies in Santa Cruz County. The

student will be working 8 to 10 hours a week starting in June with no impact to the County.

Supervisor Ruiz made a motion to approve; second by Vice-Chairman Damon.

Under discussion, Chairman Maynard thanked Mr. Chaboya.

Motion carried unanimously.

REQUEST APPROVAL OF RESOLUTION NO. 2004-10 APPROVING THE AMENDED AND RESTATED TRUST AGREEMENT DATED JULY 1, 2004 FOR THE PROVISION OF EMPLOYEE HEALTH AND WELFARE BENEFITS BY AZLGEBT:

Personnel Director, Carlos Rivera, stated that the Trustees of the Arizona Local Government Employees Benefit Trust recommended changes to the existing trust document which will expire June 30, 2004; the changes are to comply with the Arizona Department of Insurance recommendations and language modifications to reflect the changes in the makeup of the trust, which would extend the Trust Agreement for ten years.

Vice-Chairman Damon made a motion to approve Resolution No. 2004-10; second by Supervisor Ruiz; motion carried unanimously.

Meeting adjourned at 10:25 a.m. (MR/RD;c.u.)

Melinda Meek

Clerk of the Board

John Maynard

John Maynard, Chairman

Board of Supervisors

May 25, 2004

9:30 a.m.

The Board met in a Regular Meeting at the Santa Cruz County Complex, 2150 N. Congress Drive, Room #120, Nogales, AZ. Present: John Maynard, Chairman; Robert Damon, Vice-Chairman; Manuel Ruiz, Supervisor; Greg Lucero, County Manager; Holly Hawn, Attorney; Melinda Meek, Clerk of the Board. Also present: Victor Gabilondo, Viviane Huerta, Ruth Barry, Manuel Barron, Arturo Garino, Pam Patton, Leonard Fontes, Louie Chaboya, Rosa Elvira Padilla, Lt. Gerardo Castillo, Daniel Rodriguez, Ruben F. Fuentes.

The Meeting was called to order and the Pledge of Allegiance was recited, led by Ruth Barry.

ADOPTION OF AGENDA: Supervisor Ruiz made a motion to adopt the Agenda as posted and to deviate from Agenda sequence as necessary; second by Vice-Chairman Damon; motion carried unanimously.

CALL TO THE PUBLIC: None

REPORTS:

BOARD OF SUPERVISORS: Vice-Chairman Damon reported that he attended the dedication ceremony for the new Rio Rico Fire Station.

Supervisor Ruiz reported that Santa Cruz County supported an infrastructure grant on behalf of the Oasis Town Circle and was awarded an Economic Strength Fund Grant from the AZ Department of Commerce for the paving of a portion of White Park Drive.

Chairman Maynard reported that he and the other Board members attended the opening of the new Rio Rico Fire Station; Congressman Pastor will be in Santa Cruz County tomorrow to

dedicate the I-19/Ruby Road Overpass; Congressman Grijalva will be conducting an open house tomorrow @ the Santa Cruz County Complex.

MANAGER: County Manager, Greg Lucero, reported that he, Vice-Chairman Damon and Supervisor Ruiz attended the Pinal County Superior Court Complex grand opening and that he and the entire Board attended the Small Counties Forum Meeting on Wednesday, which was hosted by Santa Cruz County.

FINANCE: County Manager, Greg Lucero, reported \$7,342,965 in the General Fund; \$1,489,147 in the Road Fund; \$814,535 in the Flood Control District Fund; \$10,887,433 total for all funds; \$7,148,499 estimated end of month balance, compared to \$3,839,002 cash at May 2003, a difference of \$3,309,497.

SHERIFF: Lt. Ruben F. Fuentes reported that the current jail population is 69, 63 males and 6 females; 13 inmates have been sentenced to the County jail and 2 to the AZ Department of Corrections; 64 inmates have been charged with felonies and 5 with misdemeanors; 16 are undocumented aliens; 7 have been committed to the County jail on a daily basis and 6 on a weekly basis. 60 persons were booked in during the past week; 181 total calls for service were received, of which 11 were 911 calls.

ACTION ITEMS:

RECOGNITION OF INDIVIDUALS: Chairman Maynard read aloud and the Board presented letters of commendation to U.S. Border Patrol Agent Manuel Barron and Santa Cruz County Public Works Department employee Raymond Yocupicio for their efforts in containing and extinguishing a wild fire that occurred on the shoulders of Highway 82 on 5/19/04.

Supervisor Ruiz made a motion to approve the letters of commendation as presented to Border Patrol Agent Barron and County employee Mr. Yocupicio; second by Vice-Chairman Damon; motion carried unanimously.

AUTHORIZE COUNTY MANAGER TO ENTER INTO NEGOTIATIONS WITH CITY OF NOGALES FOR USE OF THE 1904 COURTHOUSE: County Manager, Greg Lucero, informed the Board that he met with City of Nogales officials approximately 2 weeks ago to discuss their interest in the use of the 1904 Courthouse. The County, with the assistance of the Courthouse Preservation Commission (CPC) and the Friends of the 1904 Courthouse, have spent a significant amount of time and funds in renovating the building to return it to its full use.

Mr. Lucero requested authorization from the Board for him, staff and CPC representatives to meet with City Officials to discuss and evaluate various options that will permit the City to use the 1904 Courthouse. Mr. Lucero stated that he and staff must determine what is feasible and compatible for the building and also consider the impact it will have on County services.

The CPC will be involved in the process; however, there may be items of discussion that may not involve the CPC. For example, if the City has an interest in the space currently occupied by WIA, that's a decision that the County would need to undertake and determine if it would be feasible to relocate WIA to another location. If approved, Mr. Lucero will meet with County staff, CPC and City of Nogales representatives to discuss options and once a viable option is selected, the representatives will share the information with their respective Boards and a decision will be made.

Supervisor Ruiz expressed concern regarding the possible transition interfering with the 1904 Courthouse Centennial Celebration; Vice-Chairman Damon suggested that the Public Works Director, Victor Gabilondo, be involved in negotiations; Chairman Maynard expressed the importance of not excluding the CPC from participating in the process.

Pam Patton, Courthouse Preservation Commission, requested that County staff and the CPC hold a pre-negotiation meeting before meeting with the City of Nogales.

Supervisor Ruiz made a motion to authorize the County Manager to enter into negotiations with the City of Nogales for the possible use of the 1904 Courthouse; second by Vice-Chairman Damon; motion carried unanimously.

IGA WITH DES FOR CHILD SUPPORT ENFORCEMENT ACTIVITIES:

Attorney Hawn stated that the Santa Cruz County Court System participates in child support enforcement activities; the Court System received a grant from the AZ Department of Economic Security in the amount of approximately \$70,000 to help fund their efforts; the grant funds personnel and possibly some supplies.

Vice-Chairman Damon made a motion to approve; second by Supervisor Ruiz; motion carried unanimously.

PERSONNEL: The Board waived the hiring freeze to fill a vacant Maintenance Worker position at the Rio Rico Landfill. (MR/RD; c.u.)

BID AWARD: B-04-04-CO04: Public Works Director, Victor Gabilondo, informed the Board that this Bid is for the procurement of 1 self propelled sweeper; 1 bid was received from RDO Equipment Company in the amount of \$38,350.44.

Mr. Gabilondo requested authorization to purchase.

Vice-Chairman Damon made a motion to approve; second by Supervisor Ruiz; motion carried unanimously.

BID AWARD: B-07-04-CO07: Public Works Director, Victor Gabilondo, informed the Board that this Bid is for the procurement of a horizontal cardboard baler; 5 bids were received, one of which was a no bid; the low bidder was Mark Castello Co. for the amount of \$36,772.20.

Supervisor Ruiz made a motion to award the Bid and authorize the Chairman to sign on behalf of the County, to purchase the Nexgen Stealth, Model horizontal cardboard baler as presented; second by Vice-Chairman Damon; motion carried unanimously.

TAX VALUATION ADJUSTMENTS # 114-04-115-9 – Cannon Amy E, Resolution No: S20020000138; 114-04-115-9 – Cannon Amy E, Resolution No: S20030000085; 114-04-115 – Cannon Amy E, Resolution No: S20020000137 and 114-04-116-2 – Cannon Amy E, Resolution No: S20030000084 were approved as submitted by the County Assessor’s Office. (RD/MR; c.u.)

APPLICATION FOR SPECIAL EVENT LICENSE for the Rio Rico Rotary Paul Harriss Foundation on 6/12/04 was approved as submitted. (JM/MR; c.u.)

CANVASS OF THE RESULTS OF THE 5/18/04 SPECIAL ELECTION:

Supervisor Ruiz made a motion to approve the canvass of the Special Election held on 5/18/04 as presented in the packet; second by Vice-Chairman Damon; motion carried unanimously.

Meeting adjourned at 10:15 a.m.

Melinda Meek
Clerk of the Board

John Maynard
John Maynard, Chairman

Board of Supervisors
May 26, 2004
2:00 p.m.

The Board met in a Special Meeting at the Santa Cruz County Complex, 2150 N. Congress Drive, Room #120, Nogales, AZ. Present: John Maynard, Chairman; Robert Damon, Vice-Chairman; Manuel Ruiz, Supervisor; Greg Lucero, County Manager; Melinda Meek, Clerk of the Board. Also present: Congressman Ed Pastor, Congressman Raul Grijalva, U.S. Army Corps of Engineers Col. Richard G. Thompson, U.S. Army Corps of Engineers Col. Joseph Schroedel, Brian Moore, J. Drake, Kathy Bergman, Jeannie Solis.

The Board recessed the Special Meeting to convene as the Flood Control District Board.
(RD/MR; c.u.)

FLOOD CONTROL DISTRICT:

UPDATE ON CHULA VISTA WASH PROJECT: John Drake, U.S. Army Corps of Engineers, updated the Board on the Chula Vista Wash Project and stated that plans and specifications are 95% complete.

MEMORANDUM OF AGREEMENT: Supervisor Ruiz made a motion to approve the Memorandum of Agreement between the Department of the Army and Santa Cruz County for construction of the Nogales Wash and Tributaries Nogales, Arizona project and to authorize Vice-Chairman Damon to sign on behalf of the Board; second by Chairman Maynard; motion carried unanimously.

Meeting adjourned at 2:15 p.m. (RD/MR; c.u.)

Melinda Meek

Clerk of the Board

John Maynard

John Maynard, Chairman

Board of Supervisors
June 1, 2004
9:30 a.m.

The Board met in a Regular Meeting at the Santa Cruz County Complex, 2150 N. Congress Drive, Room #120, Nogales, AZ. Present: John Maynard, Chairman; Robert Damon, Vice-Chairman; Manuel Ruiz, Supervisor; Greg Lucero, County Manager; Holly Hawn, Attorney; Gloria S. Gonzalez, Deputy Clerk. Also present: Jennifer St. John, John Hays, Narciso Lerma, William Spater, Mary Dahl, Ben Stepleton, Dean Smith, Louis Chaboya, Ruth Barry, Manuel C. Cota, Sheriff Estrada, Ron Morriss, Raul Rodriguez, Major Romo and Ruben F. Fuentes.

The Meeting was called to order and the Pledge of Allegiance was recited, led by Ruth Barry.

ADOPTION OF AGENDA: Vice-Chairman Damon made a motion to adopt the Agenda as posted; second by Supervisor Ruiz; motion carried unanimously.

CALL TO THE PUBLIC: Dean Smith, Communications Workers of America representative, invited the Board to a Study Session/Action Item on June 23 at 5:30 at City of Nogales to discuss the City's contract with Commissioner Sincamani of the Federal Mediation and Conciliation Service; he requested to meet with the Board to discuss their proposed resolution at a meeting to be scheduled at the Santa Cruz County Complex to present and recognize 51% of their union members with identification cards and speak on behalf of County employees.

Chairman Maynard asked Mr. Smith to submit a letter to Mr. Lucero with his request.

The Board recessed the Regular Meeting to convene as the Flood Control District Board. (MR/RD;c.u.)

FLOOD CONTROL:

DIRECTOR'S/PROJECT REPORT: Submitted in writing. Floodplain Coordinator, John Hays, reviewed with the Board an Arizona monthly precipitation chart prepared by the National Weather Service.

The Board congratulated Mr. Hays on his certification in Hydrologic Modeling.

MONTHLY REPORT FROM CITY OF NOGALES: None

MONTHLY REPORT FROM THE TOWN OF PATAGONIA: None

County Manager, Greg Lucero, stated that items from the City of Nogales and Town of Patagonia were placed on the Agenda at their request.

PUBLIC COMMENT: None

The Board adjourned as the Flood Control District Board and reconvened the Regular Meeting. (MR/RD;c.u.)

CURRENT EVENTS AND ACTIVITIES REPORTS: BOARD OF SUPERVISORS: Vice-Chairman Damon reported that last Wednesday, Congressmen Ed Pastor and Raul Grijalva visited the County; he signed the Memorandum of Understanding for the Chula Vista Flood Control Project.

Supervisor Ruiz congratulated Vice-Chairman Damon on the Chula Vista Flood Project; the three Supervisors attended the dedication of the Ruby Interchange; he attended the Memorial Day Ceremony yesterday at the Nogales Cemetery.

Chairman Maynard reported that he attended the ADOT Ruby Road dedication, and the signing of the Memorandum of Understanding for the Chula Vista Flood Control Project which is an important project for the community and congratulated Vice-Chairman Damon; he met with Congressman Grijalva and his representative; he met with Congressman Pastor; he met with the Rio Rico Homeowners last week; the Planning and Zoning Commission held their last Public Hearing and approved the Comprehensive Plan on Wednesday; he attended a meeting with the group that is working on the formation of the Heritage Area with representatives from Pima and Santa Cruz County.

Supervisor Ruiz thanked Mr. Stepleton for the e-mail on the West Nile Virus and requested that the information be sent to the newspaper; Mr. Stepleton replied that he would comply with the request.

MANAGER: County Manager Lucero reported that he is working on the budget and will be meeting with Department Heads and Elected Officials during the following two weeks to discuss their requests for salary increases, new personnel, equipment and to review the outside agencies requests; he is waiting for the Cochise College Contract for Services which he anticipates to be in excess of \$200,000.

FINANCE: Finance Director, Jennifer St. John, reported \$7,216,777 in the General Fund; \$1,716,952 in the Road Fund; \$824,615 in the Flood Control District Fund; \$10,921,038 total for all funds; \$6,361,261 estimated end of the month balance, compared to \$3,298,693 cash at June 2003, a difference of \$3,062,568.

SHERIFF: Sheriff Estrada reported that the jail population is 82, 71 males and 11 females; 12 inmates have been sentenced to the County jail and 2 to the Arizona Department of Corrections; 74 have been charged with felonies and 8 with misdemeanors; 25 (30%) are undocumented aliens; 6 have been committed to the County jail on a daily basis and 4 on a weekly basis; 72 persons were booked in during the past week; 198 calls for service were received, of which 16 were 911 calls, 26 medical emergencies and 22 public assistance.

Sheriff Estrada reported that on Friday, May 28, 2004 there was a three-car collision on the West Frontage Road in Rio Rico with one fatality; the accident is still under investigation.

Sheriff Estrada introduced Deputy Narciso Lerma to the Board. Deputy Lerma was certified as an Officer in the State of Arizona in 1996 and has vast experience in law enforcement.

Sheriff Estrada reported that he attended the Local Law Enforcement Committee Conference in Prescott; the committee is composed of numerous professional individuals that review proposals submitted for consideration. Sheriff Estrada stated that the Metro Task Force is comprised of local, state and federal law enforcement agencies, this agency was established in 1989 to combat the immense drug trafficking triggered by fifty three miles of shared border between our County and Sonora, Mexico; in combined efforts with the Nogales Unified School District, the Metro Task Force have conducted the Operation Apache with a successful outcome with twenty students arrests and three search warrants executed; the objective was to identify student that were selling drugs on and off school grounds; several seizures were conducted involving tractor trailers with one case totaling 2,599 pounds of marijuana seized.

Sheriff Estrada presented Lt Raul Rodriguez with a plaque on behalf of the Local Law Enforcement Committee in recognition of the work the Metro Task Force is doing in Nogales.

Sheriff Estrada stated that the members of the Task Force consist of the Santa Cruz County Sheriff's Office, the Nogales Police Dept., the Arizona Dept. of Public Safety, the Arizona National Guard, U. S. Border Patrol, DEA, U. S. Customs, Forest Service and the Santa Cruz County Attorney's Office.

Sheriff Estrada stated that the Santa Cruz County Metro Task Force has achieved a statewide and nationwide reputation.

Supervisor Ruiz made a motion to deviate from the Agenda sequence as necessary; second by Vice-Chairman Damon; motion carried unanimously.

ACTION ITEMS:

SANTA CRUZ COUNTY ASSOCIATION FOR THE BLIND REQUEST FOR FUNDING: Treasurer, William Spater, stated that the Association provides services for the visually impaired as a place to go, socialize, and receive training. Mr. Spater stated that the last check they received from Santa Cruz County was in June 2002 and he is requesting funding in the amount of \$9,600.

Supervisor Ruiz made a motion to submit this request as the Board proceeds with the budget as with every other request the Board has received; second by Vice-Chairman Damon.

Under discussion, Vice-Chairman Damon asked Mr. Spater how the visually impaired are transported; Mr. Spater replied that some persons come by using their own transportation, or Ray Brown transports them if they need to go to Tucson or another location.

Vice-Chairman Damon asked Mr. Spater if the Association has six members; Mr. Spater replied yes, plus the volunteers, but that it varies.

Motion carried unanimously.

DISCUSSION AND POSSIBLE ACTION TO APPROVE A LEASE AGREEMENT WITH DE LAGE LANDEN FINANCIAL SERVICES FOR A TOSHIBA E-STUDIO 4511 DIGITAL COLOR COPIER: Department of

Community Development Director, Mary Dahl, requested that the Board approve the lease agreement to facilitate the growing need to reproduce documents and because of the expense involved in outside reproduction being \$100.00 a copy. Ms. Dahl stated that with acquisition of the copier, she would transfer their current copier to the Treasurer's Office to upgrade their copying capabilities.

Supervisor Ruiz asked if repairs to the equipment would be covered under the lease; Ms. St. John replied that it is an all-inclusive lease.

Supervisor Ruiz made a motion to approve the Lease Agreement with De Lage Landen Financial Services for a Toshiba e-studio 4511 Digital color copier and that Mary Dahl sign on behalf of Santa Cruz County; second by Vice-Chairman Damon; motion carried unanimously.

REQUEST APPROVAL OF SUBCONTRACT BETWEEN SANTA CRUZ COUNTY HEALTH DEPARTMENT AND SOUTHEAST ARIZONA HEALTH EDUCATION CENTER FOR PREPAREDNESS AND RESPONSE FOR BIOTERRORISM TRAINING: Environmental Health Director, Ben Stepleton, stated that the existing County Health Department Bioterrorism Preparedness Contract requires that numerous training activities be conducted by County personnel, health facility personnel and various community organizations and that (SEAHEC) Southeast Area Health Education Center is going to do the training.

Vice-Chairman Damon made a motion to approve; second by Supervisor Ruiz; motion carried unanimously.

PERSONNEL: The Board waived the hiring freeze to fill a vacant Public Safety Telecommunicator position at the Sheriff's Department. (MR/RD;c.u.)

REQUEST FOR APPROVAL OF WIRELESS ENHANCED 911 SERVICE AGREEMENT BETWEEN SANTA CRUZ COUNTY AND QWEST CORPORATION: Public Safety Telecommunication Supervisor, Susan Handley, informed the Board that as of February 28, 2004 the Sheriff's Department became 911 enhanced wireless. She gave a brief description on how this new system will be able to associate cell phones numbers when calling 911 and that the State of Arizona is paying for the service, including the upgrades to the system, with no financial impact to the County.

Flood District: \$12,255.42; **Cultural Youth At Risk:** \$7,351.91; **W.I.A. Youth Program:** \$6,371.78; **WTW Competitive Grant:** \$16,147.56; **W.I.A. Adult:** \$7,057.15; **W.I.A. Dislocated Worker:** \$3,564.99; **Projects with Industries:** \$2,770.00; **Work Incentive Grant:** \$1,012.50; **R/W Safety Zone Haz. Elim.:** \$42,640.00; **FAA Grant For Security Fencing:** \$7,547.92; **Landfill:** \$20,627.49; **Landfill Reserve:** \$2,903.63

To review these demands for this date, refer to Binder #13 which accompanies this book.

The Board recessed the Regular Meeting to convene in Executive Session at 10:15 a.m. and reconvened the Regular Meeting at 10:30 a.m. (RD/MR;c.u.)

REQUEST AUTHORIZATION TO WITHDRAW OUR CLAIM IN THE STATE OF ARIZONA V. PIMA COMMUNITY COLLEGE DISTRICT AND SANTA CRUZ COUNTY (CASE NO. CV2003-006437): County Manager, Greg Lucero, stated that after consulting with our attorney, staff recommends that it would not be prudent to continue litigating.

Supervisor Ruiz made a motion to withdraw our claim; second by Vice-Chairman Damon.

Under discussion, Attorney Hawn stated that Mr. Lucero was concise with his explanation to the Board.

Motion carried unanimously.

The Board recessed the Regular Meeting at 10:35 a.m. and reconvened at 10:45 a.m. (RD/MR;c.u.)

PRESENTATION OF CERTIFICATE OF APPRECIATION TO PLANNING AND ZONING COMMISSION MEMBER: Vice-Chairman Damon presented Jerry Wagner with a Certificate of Appreciation for his outstanding service to the citizens of Santa Cruz County as a member of the Planning and Zoning Commission District 2 from September 8, 1998 through May 31, 2004. (RD/MR;c.u.)

Meeting adjourned at 10:50 a.m. (MR/RD;c.u.)

Melinda Meek
Clerk of the Board

John Maynard
John Maynard, Chairman

Board of Supervisors
June 8, 2004
9:30 a.m.

The Board met in a Regular Meeting at the Santa Cruz County Complex, 2150 N. Congress Drive, Room #120, Nogales, AZ. Present: John Maynard, Chairman; Robert Damon, Vice-Chairman; Manuel Ruiz, Supervisor; Greg Lucero, County Manager; Holly Hawn, Attorney; Melinda Meek, Clerk of the Board. Also present: Jennifer St. John, Mary Dahl, Victor Gabilondo, Frank Morales, Dean Smith, Marshall Magruder, Chief Marshal Keith Barth, Ron Morriss, Sheriff Estrada, Kathleen Vandervoet, Arturo R. Garino, Neil Gustafson, Felipe Fuentes, Jr.

The Meeting was called to order and the Pledge of Allegiance was recited, led by Dean Smith.

ADOPTION OF AGENDA: County Manager, Greg Lucero, requested that Action Items E-5 (Utility Agreement for new water main & temporary bypass-SR 82 bridge reconstruction project) and E-10 (Minutes of 4/27/04) be tabled.

Supervisor Ruiz made a motion to adopt the Agenda, tabling Action Items E-5 (Utility Agreement for new water main & temporary bypass-SR 82 bridge reconstruction project) and E-10 (Minutes of 4/27/04) and to deviate from Agenda sequence as necessary; second by Vice-Chairman Damon; motion carried unanimously.

CALL TO THE PUBLIC: Patagonia Marshal, Keith Barth, presented Sheriff Estrada and the Sheriff's Department with a plaque of appreciation for assisting the Town of Patagonia Marshall's Office.

Frank Morales asked why City and County officials don't do enough to solve the raw sewage problem that runs through the Nogales Creek.

Marshall Magruder updated the Board on the TEP penalty phase hearings; requested an individual meeting with each Board member or a Study Session to discuss the recommendation for the 46KV line; reported that the Arizona Corporation Commission will be at the City of Nogales on the 16th to receive public comments regarding the acquisition of Unisource by Saguaro Holdings.

REPORTS:

BOARD OF SUPERVISORS: Vice-Chairman Damon reported that the Grand Opening of the new Rio Rico Park will be today @ 3:00 p.m. and invited all to attend.

Supervisor Ruiz reported that the Department of Justice will conduct a site visit for the Weed & Seed designation on Thursday.

MANAGER: County Manager, Greg Lucero, reported that he attended the SEAGO Admin Council Meeting last week where it was announced that a Border Mayor's Conference will be held in Sierra Vista this weekend; staff has been conducting budget meetings; a Budget Study Session will be held next week; the Tentative Budget will be adopted later this month; he will be out of town the end of the week attending the County Manager's Meeting.

Because of the questions and concerns raised regarding the Nogales Wash issue, Mr. Lucero requested that the Health Department Director, Ben Stepleton, provide the Board and the public with an update on the issue.

Health Department Director, Ben Stepleton, updated the Board on the Nogales Wash contamination issue.

Supervisor Ruiz suggested that the County adopt a Resolution urging the Federal Government to intervene and resolve the issue and to encourage the City of Nogales to cooperate; that an item be placed on next week's Board's Agenda to draft a letter requesting the Governor to intervene and that letters be sent to Senators Kyl & McCain and Congressman Grijalva requesting their assistance.

FINANCE: Finance Director, Jennifer St. John, reported \$7,579,379 in the General Fund; \$1,649,185 in the Road Fund; \$828,701 in the Flood Control District Fund; \$11,173,752 total for all funds; \$6,746,379 estimated end of month balance, compared to \$3,690,495 cash at June 2003, a difference of \$3,055,884.

SHERIFF: Sheriff Estrada reported that the current jail population is 80, 72 males and 8 females; 9 inmates have been sentenced to the County jail and 2 to the AZ Department of Corrections; 76 have been charged with felonies and 4 with misdemeanors; 20 (25%) are undocumented aliens; 5 have been committed to the County jail on a daily basis and 7 on a weekly basis. 55 persons were booked in during the past week.

ACTION ITEMS:

FINAL RELEASE OF REMAINING LOTS (1-5 AND 22-36) IN SANTIAGO AT BARRIO DE TUBAC SUBDIVISION: Community Development Director, Mary Dahl, stated

that this is the 3rd and final Release for the Santiago at Barrio de Tubac subdivision, the remaining 19 lots in this phase; required field inspections have been conducted; staff has agreed that the requested Release is appropriate at this time.

Vice-Chairman Damon made a motion to approve; second by Supervisor Ruiz; motion carried unanimously

COOPERATIVE PURCHASE AGREEMENT WITH THE CITY OF TUCSON: Supervisor Ruiz made a motion to approve and enter into a Cooperative Purchasing Agreement between Santa Cruz County and the City of Tucson; second by Vice-Chairman Damon.

Under discussion, The Board thanked Mr. Gabilondo for his efforts in maximizing the use of funds.

Motion carried unanimously.

AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES WITH TETRA TECH CONSULTING, INC.: Public Works Director, Victor Gabilondo, stated that the County awarded a design contract to Tetra Tech for the design services on the Old Tucson Road; additional design is needed so that the residents of Noble Road and Bravo Lane would experience significant relief from storm water runoff; the additional design would add an additional \$46,688 to the Contract.

Supervisor Ruiz made a motion to approve the Amendment to the Agreement for professional services between Santa Cruz County and Tetra Tech in an amount not to exceed \$47,000; second by Vice-Chairman Damon; motion carried unanimously.

CHANGE ORDERS 1-9; RIO RICO DRAINAGE IMPROVEMENTS, PHASE I CONTRACT B-12-03-CO12: Public Works Director, Victor Gabilondo, stated that in 11/03, the County awarded a Contract to Granite Construction to construct drainage improvements along Rio Rico Drive; the original Contract was for 90 days; during the course of construction, the Contractor encountered numerous conflicts with utilities, the largest involved a 16" water main.

The cost of the contract increased by \$45,581.81; Rio Rico Utilities will reimburse the County \$6,400.

Mr. Gabilondo requested that the Board approve Change Orders 1-9.

Vice-Chairman Damon made a motion to approve; second by Supervisor Ruiz; motion carried unanimously.

BOND FOR DUPLICATE WARRANT #3-129531 payable to Dennis Ford, in the amount of \$831.99 dated 5/21/04 was approved as submitted. (MR/RD; c.u.)

FAMILY COUNSELING PROGRAM: Supervisor Ruiz made a motion to approve and enter into the Agreement as presented with the County's financial implication of \$2,693.00; second by Vice-Chairman Damon; motion carried unanimously.

AGREEMENT WITH AZ DEPARTMENT OF COMMERCE FOR HYBRID VEHICLE GRANT: County Manager, Greg Lucero, stated that Chairman Maynard suggested applying for a grant from the Municipal Energy Management Program for the purchase of an electric/hybrid vehicle; staff worked with Chairman Maynard to prepare the Grant application; the Application was successful and Santa Cruz County was awarded \$11,500.

On 6/22/04, the Department of Commerce will do a big check presentation for this grant award and the Economic Strength Fund Grant for paving a portion of White Park Drive.

Vice-Chairman Damon made a motion to approve; second by Supervisor Ruiz; motion carried unanimously.

RESOLUTION #2004-12 AUTHORIZING SEAGO TO SUBMIT A REGIONAL APPLICATION TO THE AZ DEPARTMENT OF COMMERCE FOR THE REGIONAL ECONOMIC PLANNING GRANT: Supervisor Ruiz made a motion to approve; second by Vice-Chairman Damon; motion carried unanimously.

Meeting adjourned at 10:25 a.m.

Melinda Meek

Clerk of the Board

John Maynard

John Maynard, Chairman